

NOV 18 1963

Honorable William Harold Cox
District Judge
United States District Court
Southern District of Mississippi
Jackson, Mississippi

Re: U.S. v. Mississippi
C. A. No. 3312

Dear Judge Cox:

Your letter of October 16 to Mr. Doar in reply to his letter of October 12 to the Court asking for a trial date in the above case has been brought to my personal attention.

I was quite frankly shocked by the language and tone of your letter which was addressed to one of the finest trial lawyers in the Department of Justice. After careful consideration, I have decided to call the letter to the attention of the Standing Committee on Federal Judiciary of the American Bar Association. I am also sending copies to the former chairman and to the former member of the Fifth Circuit of that Committee, both because they were responsible for investigating and reporting to me on the qualifications of all potential judicial appointments in the Circuit, including your own, and because they are, respectively, Past President and President-Elect of the American College of Trial Lawyers.

Very truly yours,

Attorney General

Department of Justice

Washington, D.C.

OCT 12 1963

DS file
DHO

Honorable Ben F. Cameron
Circuit Judge, United States
Court of Appeals for the
Fifth Circuit
Meridian, Mississippi

Honorable John R. Brown
Circuit Judge, United States
Court of Appeals for the
Fifth Circuit
Houston, Texas

Honorable William Harold Cox
Chief Judge, United States District
Court for the Southern District of
Mississippi
Jackson, Mississippi

Dear Judges Cameron, Brown and Cox:

I am writing to you about United States v. Mississippi (C.A. No. 3312), the three-judge court case involving the constitutionality of certain sections of the Mississippi constitution and statutes dealing with voter registration.

Since the purpose of this letter is to request a firm trial date in the near future, I shall set forth briefly the chronological history of this case to date.

August 28, 1962

The United States filed its Complaint.

March 8, 1963

The various motions of the defendants were argued before the three-judge court. The Court's rulings were as follows:

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DEPARTMENT OF JUSTICE	
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RECORDS BRANCH	

- (1) The defendants' motions to strike and motion for more definite statements were denied.
- (2) The defendants' motion to stay-- doctrine of abstention, was held in abeyance for "decision very shortly", but deferring action on this motion was not to interfere with discovery or the filing of the answers.
- (3) The defendants' motions to dismiss for lack of jurisdiction of the subject matter was taken with the case because the Court felt it went to the merits.
- (4) The defendants' motion to quash the three-judge court as to certain matters was taken with the case for determination on the merits of the case.
- (5) The motion to strike the third claim of the Complaint was taken with the case.
- (6) The motion for severance on behalf of individual circuit clerks and motions for separate trial of claims was deferred until after discovery was completed, but the Court stated that arrangements would be made to insure that none of the registrars would be kept in attendance at the trial unnecessarily.

- (7) The Government's motion for production of records under Rule 34 was granted.
- (8) The defendants were given 30 days from March 12 in which to file their answers.

The Court emphasized the importance of going forward with discovery. Judge Brown stated, after announcing the Court's decision, "that the discovery should go forward with vigor" and that the Court would then make disposition as to the trial date.

May 13, 1963

The answers of the defendants were filed.

May 17, 1963

Defendant State of Mississippi served interrogatories on the plaintiff.

June 10, 1963

Defendant Smith, registrar of voters of Coahoma County, Mississippi, served interrogatories on the plaintiff.

June 20, 1963

Defendant Haeley, registrar of voters of Claiborne County, Mississippi, served interrogatories on the plaintiff.

July 8, 1963

Defendant Wiggins, registrar of voters of Lowndes County, Mississippi, served interrogatories on the plaintiff.

July 30, 1963

On May 20, 1963, and again on July 19, 1963, the defendant State of Mississippi filed supplemental briefs in support of its motion to dismiss. On July 30, the defendant State moved the Court to dispose of the motion to dismiss after oral argument and prior to consideration of the merits.

September 1, 1963

The United States filed its Answers to Interrogatories. The answers cover the factual basis to support the plaintiff's claims for relief. The answers to the interrogatories are contained in seven volumes. These volumes contain the following material:

1. Names of Persons Contacted
Names of Agents and Attorneys

This volume contains the names, race, type of statement given, educational level and other background information on each person contacted by agents of the plaintiff in connection with this cause and the names and addresses of agents of the plaintiff who contacted or interviewed any one in connection with this cause.

2. Statistics
Census-Registration-Voting 1890-1962

This volume covers State-wide registration statistics by county and by race, with dates for the following specific dates: 1890, 1899, 1954, 1955, 1960, 1962.

**3. Purpose of Laws 1890, 1901, 1903, 1904
Decrease in Negro Registration 1890-1934**

This volume contains the factual basis showing (1) the racially discriminatory purpose of the registration laws under attack, (2) white primary practices in Mississippi, and (3) the decrease in Negro registration since 1890.

**4. Comparison of Education for Negroes
and White Persons, 1890-1963**

This volume contains the facts which show that in Mississippi public education provided for Negroes was and is inferior to the public education provided for white persons.

**5. Answers
Appendix A**

This volume contains the answers to various interrogatories which did not require great detail. In addition, the Appendix to this volume details the factual basis and methods by which white political supremacy was established and maintained in Mississippi prior to the implementation of the constitutional interpretation test in March 1955.

**6A7. Appendix B
1 & 2**

These two volumes include, by county, factual data since March 24, 1955, the date of implementing the interpretation test, that Negroes have not been permitted to register since the adoption of the test. In addition, an analysis of the application forms of certain counties shows non-uniform administration of the voting laws under

attack, favored treatment to white persons in administering these laws, and the unlimited discretion vested in the registrars to administer this test.

September 13, 1963

The United States filed its motion to take the oral depositions of thirteen registrars and one deputy registrar in certain Mississippi counties. Prior to this time the United States had been negotiating with the lawyers for the defendants to set dates and places for taking the depositions of the defendant registrar without notice.

We were able to make arrangements and had set dates to take the depositions of two of the defendant registrars. The defendants moved to quash the taking of depositions on the grounds that it placed a hardship on them and that the depositions should not be taken until jurisdiction of the Court had been determined. After an oral argument, Judge Cox entered an order staying the depositions until further order of the Court "to enable the Court as re-constituted on September 12, 1963, to organize and become familiar with the issues and decide at a conference to be called by the three judges just what issues will be presented to and decided by the Court so as to make more apparent to the parties just what testimony may be considered and desirable and necessary." Thus, no depositions have been taken.

In view of the difficulty and delay which we have experienced and undoubtedly will experience in pressing for further discovery by way of depositions or otherwise, we have concluded to forego any further depositions except for those absolutely necessary because witnesses are beyond the reach of the Court's subpoena power and will not voluntarily make themselves available for trial. As to those limited depositions, we will notice and take them after the case is set for trial at a specific time.

The issues which are involved in this case are:

1. Suit Against the State -

The legal issue is, in this attack on the constitutionality of Mississippi voting laws whether the State, by virtue of the constitutional attack on the voting law and by virtue of the Civil Rights Act of 1960 (Section 601b), which permits joining the State as a defendant, whether the State is a proper party in this litigation. As indicated, the defendant State has filed supplemental briefs on this issue. We will file a short reply to their briefs by November 1, 1963.

2. Constitutionality of Certain Laws -

The laws which are attacked as being invalid in this case are:

- a. Section 244 of the Mississippi Const., as amended (and its implementing legislation)--provides for the constitutional interpretation test and for the duties and obligation test.
- b. Section 241-A of the Mississippi Constitution, adopted in 1960 (and its implementing legislation)-- provides for a good moral character test as a prerequisite to registration.
- c. Section 3209.6 of the Mississippi Code, as amended in 1960--permits the destruction of Sworn Written Application Forms for Registration by local registrars.

- d. House Bill 900, 1962 (amended Section 3213 of the Mississippi Code)-- directed that the statute which required application forms to be completed by applicants without assistance was mandatory and that all blanks on the application must be "properly and responsibly" completed and that the oath, and the application form must be signed separately by the applicant.
- e. House Bill 903, 1962--provides that applicants must return to the registrar's office after the waiting period for publication, to determine whether he has passed or failed registration. This Bill also provides that the registrar may not tell applicants who fail to qualify for registration the reasons for failure because that might constitute assistance on a subsequent application.
- f. House Bills 422 and 904, 1962--which provide the procedure for publication of names of applicants for registration in the newspaper and establishes the right of any qualified voter to challenge the qualifications of any applicant. This statute also sets up an administrative procedure to be followed in the event an applicant is challenged.

3. The Relief -

- a. What should be the specific terms of the injunction. This will involve a determination as to the qualifications and standards to be required for registration in the event of a declaration of unconstitutionality.

- b. In the event of a finding of a pattern and practice of discrimination there is an issue to the effect of such a finding and the procedure to be used in the event of invocation of the referee provisions of the Civil Rights Act of 1960, 42 U.S.C. 1971(c).

These items--suit against the State, the constitutionality of the specified Mississippi laws, and the relief--are, I believe, a fair statement of the issues which are involved in this case.

To facilitate the trial in this case, the United States is preparing a list of exhibits with exhibit numbers which we plan to introduce in evidence. This list will be sent to the defendants by November 4, 1963, and the documents themselves will be made available to the defendants in Jackson, at the United States Attorney's office beginning that day. The exhibit list will contain columns so that the defendants, after they have had an opportunity to look at the exhibits, may note any questions as to the authenticity of any document. This way we can identify the document about which there is no dispute as to authenticity. Proof of authenticity of these documents would otherwise take a great deal of time at the trial.

In addition, the United States will file, by November 4, 1963, supplementary answers to the interrogatories which were filed on September 1. This will bring up to date the material which we have previously set out in these answers.

Finally, this case deserves the immediate attention of this Court. It involves the constitutionality of Mississippi voting laws. The United States claims these laws are invalid because their purpose and effect is to deprive Negroes of the right to vote without distinction of race or color. The rights involved are very important. As the Court of Appeals recently stated in United States v. Athias (C.A. 5 Sept. 30, 1963):

- 10 -

The right to vote is one of the most important and powerful privileges which our democratic form of government has to offer. Although states may regulate this right, they are subject to close judicial scrutiny when doing so and are limited by the Fifteenth Amendment in addition to the Fourteenth.

Accordingly, we believe that the matter of going forward with the trial and decision in this case is of extreme urgency.

I have sent copies of this letter to the attorneys for the defendants.

Sincerely,

John Doar

JOHN DOAR
First Assistant
Civil Rights Division

7

NOV 20 1963

Leon Jaworski, Esquire
Fulbright, Crocker, Freeman,
Rates & Jaworski
Attorneys at Law
Bank of the Southwest Building
Houston 2, Texas

Dear Mr. Jaworski:

The enclosed exchange of correspondence with Judge William Harold Cox of the Southern District of Mississippi is self-explanatory. I am forwarding it to you, in accordance with my letter to Judge Cox, for your information and whatever use you deem appropriate. As my letter to the Judge also indicates, I am sending similar copies to Robert W. Meserve and Bernard J. Segal.

Very truly yours,

ROBERT F. KENNEDY
Attorney General

Enclosures

NOV 20 1963

Robert W. Meserve, Esquire
75 Federal Street
Boston 10, Massachusetts

Dear Mr. Meserves

The enclosed exchange of correspondence with Judge William Harold Cox of the Southern District of Mississippi is self-explanatory. I am forwarding it to you, in accordance with my letter to Judge Cox, for your information and whatever use you deem appropriate. As my letter to the Judge also indicates, I am sending similar copies to Leon Jaworski and Bernard J. Segal.

Very truly yours,

ROBERT F. JENNINGS
Attorney General

Enclosures

46 L

NOV 20 1963

Bernard J. Segal, Esquire
Packard Building
15th Street and Chestnut
Philadelphia 2, Pennsylvania

Dear Mr. Segal:

The enclosed exchange of correspondence with Judge William Harold Cox of the Southern District of Mississippi is self-explanatory. I am forwarding it to you, in accordance with my letter to Judge Cox, for your information and whatever use you deem appropriate. As my letter to the Judge also indicates, I am sending similar copies to Robert W. Meserve and Leon Jaworski.

Very truly yours,

ROBERT F. KENNEDY
Attorney General

Enclosures

NAME		BUILDING AND ROOM
1.	MR. DOUGHERT	ROOM 4212
2.	<i>Mr. Dolan</i>	✓
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☒ APPROVAL (1)

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☐ RECOMMENDATION

☐ ANSWER OR ACKNOWLEDGE ON OR BEFORE _____

☐ PREPARE REPLY FOR THE SIGNATURE OF _____

☐ COMMENT

☐ NECESSARY ACTION

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☐ CALL ME

☐ PER CONVERSATION

☐ AS REQUESTED

☐ NOTE AND FILE

☐ YOUR INFORMATION

REMARKS

FROM	BUILDING, ROOM, EXT.	DATE
NAME	1330	12-02-63

~~Dissemination Office~~

FROM

THE OFFICE OF THE DEPUTY ATTORNEY GENERAL

TO

REMARKS:

- ☐ ATTORNEY GENERAL
 - ☐ EXECUTIVE ASSISTANT
 - ☐ OFFICE OF PUBLIC INFORMATION
- ☐ DEPUTY ATTORNEY GENERAL
 - ☐ EXECUTIVE OFFICE—U. S. ATTORNEYS
 - ☐ EXECUTIVE OFFICE—U. S. MARSHALS
- ☐ SOLICITOR GENERAL
- ☐ ADMINISTRATIVE DIVISION
 - ☐ LIBRARY
- ☐ ANTITRUST DIVISION
- ☐ CIVIL DIVISION
- ☒ CIVIL RIGHTS DIVISION
- ☐ CRIMINAL DIVISION
- ☐ INTERNAL SECURITY DIVISION
- ☐ LANDS DIVISION
- ☐ TAX DIVISION
- ☐ OFFICE OF LEGAL COUNSEL
- ☐ OFFICE OF ALIEN PROPERTY
- ☐ BUREAU OF PRISONS
- ☐ FEDERAL PRISON INDUSTRIES, INC.
- ☐ FEDERAL BUREAU OF INVESTIGATION
- ☐ IMMIGRATION AND NATURALIZATION SERVICE
- ☐ PARDON ATTORNEY
- ☐ PAROLE BOARD
- ☐ BOARD OF IMMIGRATION APPEALS
- ☐ ATTENTION: _____

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12/11/63

Mr. Burke Marshall
Room 1145

52
DEC 18 1963

Robert W. Maserve, Esquire
75 Federal Street
Boston 10, Massachusetts

Dear Mr. Maserve:

Thank you for your letter of December 4
about Judge Cox. I appreciate your keeping me
informed on this matter.

Very truly yours,

Attorney General

Robert W. Meserve, Esquire
75 Federal Street
Boston 10, Massachusetts

Dear Mr. Meserve:

Thank you for your letter of January 2
and the copy of your letter to Judge Cox of the
same date.

After considering the matter of Judge Cox's
letter to John Doar, I concluded that it would not
be wise, and perhaps would not be appropriate even if
wise, to permit Judge Cox's action in writing his
letter to become a matter of issue in the litigation.
Accordingly, I did not send copies of my letter of
November 18 to the other members of the panel, and
as far as I know, they have taken no action with
respect to it. For the same reason, we decided not
to file any formal affidavit of prejudice and bias
against Judge Cox based upon the correspondence.

I very much appreciate your interest in the
matter.

Very truly yours,

Attorney General

7 January 1964

MEMORANDUM FOR THE ATTORNEY GENERAL

From Burke Marshall

Attached is a proposed reply to Mr. Meserve's letter of January 2, which is also attached. This relates to our running dispute with Judge Cox, in which the ABA is now participating.

Attachment

JAN 9 1964

Robert W. Meserve, Esquire
75 Federal Street
Boston 10, Massachusetts

Dear Mr. Meserve:

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and the copy of your letter to Judge Cox of the
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ROBERT F. KENNEDY

Attorney General

DEPARTMENT OF JUSTICE

CIVIL RIGHTS DIVISION

ASSISTANT ATTORNEY GENERAL

MISCELLANEOUS CORRESPONDENCE

CONGRESSIONAL -- Senate & House of Repre-
sentatives

CONGRESSIONAL - Senate

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folder*

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#11,194

16 April 1963

Honorable Kenneth S. Keating
United States Senate
Washington 25, D. C.

Dear Senator Keating:

In reply to your letter of April 15, I
am happy to furnish you the following information.

During the past three years the Department has established the principle that regardless of the form which a threat or intimidation takes, the Department is authorized to act to remedy the effect of the intimidation on Negro citizens. Thus, economic sanctions such as evictions and the closing of the channels of trade have been held to be violations of Section 1971(b). In addition, we have engaged in considerable negotiation and litigation to establish the principle that the use of the state criminal processes can likewise be a violation of Section 1971(b), and the state can be restrained from proceeding with a trial or continued confinement until the matter has been thrashed out fully and finally in the federal court. This principle was most recently utilized in Greenwood, Mississippi, where we were able to obtain the release of eight persons who had been found guilty of disorderly conduct and had been sentenced to four months in jail and \$200 fines each. As a result of action instituted by the United States, the City of Greenwood and Leflore County agreed to release these students pending a full hearing and final decision on the merits of the case in the United States District Court. In addition, we received assurance that there would be no further interference by the police with voter registration.

Records
Chrono
~~_____~~
Futzel
Owen

In several other instances in Mississippi and Georgia, we have been able to obtain dismissals of state charges and the return of bond money after having demonstrated that the arrests and convictions were for the purpose of interfering with the rights of Negroes in the area of registering to vote.

In the Greenwood case, we have asked the court to hold that the right to register without interference includes the right peaceably to assemble and protest grievances which arise out of efforts of Negroes to register. I expect that we will have a hearing on this question in Mississippi early next fall.

At the present time there is under consideration by the Court of Appeals for the Fifth Circuit the question of whether or not a school board can refuse to rehire a school teacher apart from any question of contract arrangements or of tenure if the refusal to rehire was for the purpose of interfering with the right to register to vote. In that case, the District Court found against us and we took the appeal. If we are successful, we maintain that an integral part of the relief includes re-employment and back pay.

In every single instance that has been reported to us, we have investigated the matter as rapidly as humanly possible. These cases are difficult, however, for the reason that we are required to prove that the defendant's purpose was to interfere with registration and voting. This is not an easy burden.

So far our investigation does not show that the recent events in Birmingham are related to registration and voting.

If I can be of any further service to you, please let me know.

Sincerely yours,

Burke Marshall
Assistant Attorney General
Civil Rights Division

April 23, 1963

Honorable Lister Hill
United States Senate
Washington, D. C.

Dear Senator Hill:

Your letter of April 5 to the Attorney General and the enclosure from Governor Wallace complaining about the conduct of United States Attorney Vernel R. Jansen, Jr. of the Southern District of Alabama, have been referred to me.

We are unable to find any violation of law or legal ethics, or any other improprieties in the allegations contained in the telegram from Governor Wallace.

Sincerely,

Nicholas deB. Katzenbach
Deputy Attorney General

cc Mr. Burke Marshall ✓

JRB:gc

Spencer
4/24/63
gc

April 23, 1963

**Honorable Lister Hill
United States Senate
Washington, D. C.**

Dear Senator Hill:

Your letter of April 5 to the Attorney General and the enclosure from Governor Wallace complaining about the conduct of United States Attorney Vernal R. Jansen, Jr. of the Southern District of Alabama, have been referred to me.

We are unable to find any violation of law or legal ethics, or any other improprieties in the allegations contained in the telegram from Governor Wallace.

Sincerely,

**Nicholas deB. Katzenbach
Deputy Attorney General**

cc Mr. Burke Marshall

JRR:gcg

APR 25 10 23 AM '63

RECEIVED

April 23, 1963

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United States Senate
Washington, D. C.**

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Sincerely,

**Nicholas deB. Katzenbach
Deputy Attorney General**

cc Mr. Burke Marshall

JRR:gc

C

T-4/12

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Congressional

WM:ILB;mep 11,801
144-40-24

Honorable J. Howard Edmondson
United States Senate
Washington 25, D.C.

Attention: John M. Neek, Assistant

Dear Senator Edmondson:

This is in reply to your referral of a letter from Mr. A. D. Lester of Westville, Oklahoma, regarding alleged misconduct of United States Marshals at Oxford, Mississippi.

The Department has made every effort to determine whether there is any semblance of truth in the charges of brutality by the Marshals, but we have been unable to find any evidence to substantiate them.

As you have requested, Mr. Lester's letter is herewith returned.

Sincerely,

BURKE MARSHALL
Assistant Attorney General
Civil Rights Division

Enclosure

cc: Records
Chrono.
Greene (2)
Blair
Mr. Marshall
Mr. Dolan, Rm. 4208

Senatorial

BN:WJH:10
T. 5/23/63

Honorable Albert Gore
United States Senate
Washington 25, D. C.

Dear Senator Gore:

Thank you for your letter of May 15, expressing interest in the application of Mr. Steven L. Engelberg for summer employment with this Division.

Last summer we were authorized to employ a few pre-law students who rendered valuable assistance to this Division. On that basis I submitted Mr. Engelberg's name for a summer position, since I was impressed by his qualifications and the recommendations made on his behalf. Because of the tremendous number of applications made to the Division and to the Department, coupled with the limited funds available, the Department has now restricted the summer hiring authority of all legal divisions to students who have completed at least one year of law school and to college students who are rated eligible by the Civil Service Commission as clerk-typists. The only exception relating to college student employment is granted to those who have been previously employed by this Department. These limitations unfortunately eliminated from consideration a number of impressive pre-law students, including Mr. Engelberg, whom we wished to have with us. We have been in touch with Mr. Engelberg, and find that he is unable to qualify on the limited basis open to college students.

I am hopeful that Mr. Engelberg will apply for a summer position after he has entered law school.

Sincerely,

Burke Marshall
Assistant Attorney General
Civil Rights Division

cc: W. J. Holleran

DJ-96
Rev. 4-13-61)

DEPARTMENT OF JUSTICE
ROUTI SLIP

TO	
NAME	BUILDING AND ROOM
1. <i>Gerald Jones</i>	
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<input type="checkbox"/> ANSWER OR ACKNOWLEDGE ON OR BEFORE _____		
<input type="checkbox"/> PREPARE REPLY FOR THE SIGNATURE OF _____		

REMARKS

Can you prepare a draft reply?

FROM NAME <i>A Jones</i>	BUILDING, ROOM, EXT. 	DATE <i>6/11/63</i>
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Congressional

June 14, 1963

Honorable Stephen M. Young
United States Senate
Washington, D.C.

Dear Senator Young:

I have your letter of June 8, 1963, inquiring about the reported use of civil defense personnel during the recent disturbance in Birmingham, Alabama.

According to information I have received, members of a local volunteer civil defense unit participated to some extent in the quelling of the riot which resulted after the two bombings in Birmingham on the night of May 11, 1963. The members of that unit were all Negroes and, reportedly, were unarmed and participated only to the extent of trying to persuade the Negro rioters to cease the violence and go home. I have received no reports of any violence, brutality or other mistreatment on the part of the civil defense personnel who were present.

I hope this information will be helpful to you.

Sincerely,

BURKE MARSHALL
Assistant Attorney General
Civil Rights Division

0

0 Cong.

T. 7/22/63

EM:stj

Honorable Warren G. Magnuson
United States Senate
Washington, D.C.

Dear Senator:

This is in response to your inquiry of the Federal Bureau of Investigation concerning the charges made at the hearings on 8. 1752 that the racial problems in this country, particularly in the South, were created or are being exploited by the Communist Party.

Based on all available information from the FBI and other sources, we have no evidence that any of the top leaders of the major civil rights groups are Communists, or Communist controlled. This is true as to Dr. Martin Luther King, Jr., about whom particular accusations were made, as well as other leaders.

It is natural and inevitable that Communists have made efforts to infiltrate the civil rights groups and to exploit the current racial situation. In view of the real injustices that exist and the resentment against them, these efforts have been remarkably unsuccessful.

I hope that this provides the information you were seeking.

Sincerely,

Attorney General

Mr. Marshall
1145

T. 7/22/63

BN:stj

JUL 23 1963

Honorable Warren G. Magnuson
United States Senate
Washington, D.C.

Dear Senator:

This is in response to your inquiry of the Federal Bureau of Investigation concerning the charges made at the hearings on S. 1732 that the racial problems in this country, particularly in the South, were created or are being exploited by the Communist Party.

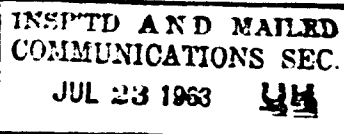
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Sincerely,

Attorney General



DOMINICK
ALABAMA

COMMITTEE
INTERNAL AND EXTERNAL AFFAIRS
SENATE AND CONGRESS
DISTRICT OF COLUMBIA

United States Senate

WASHINGTON, D.C.

July 26, 1963

Mr. Burke Marshall
Civil Rights Division
Department of Justice
Washington 25, D. C.

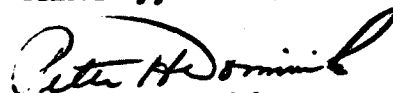
Dear Mr. Marshall:

There have been allegations made of late that the current civil rights demonstrations, which are occurring throughout the country, are Communist inspired. The purpose of my inquiry is to ascertain the validity of these allegations.

More specifically, have there been any findings which show that any of the leaders or the organizations themselves are Communist? Have any of the leaders been associated with known Communists? And, lastly, what degree, if any, has the Communist Party infiltrated the rank and file of these organizations and demonstrations?

Your efforts in answering my inquiries will be sincerely appreciated.

Sincerely,


Peter H. Dominick
United States Senator

PHD:lmh

There is no reason to keep any of the

Dear Senator:

Washington, D.C.
United States Senate
Honorable Peter H. Dominick

2001.10.10

Monroe
letter?
for, for my
signature

— O. Long.

July 31, 1963

Honorable Peter H. Dominick
United States Senate
Washington, D.C.

Dear Senator:

This is in response to your inquiry of the Federal Bureau of Investigation concerning the charges made at the hearings on S. 1752 that the racial problems in this country, particularly in the South, were created or are being exploited by the Communist Party.

Based on all available information from the FBI and other sources, we have no evidence that any of the top leaders of the major civil rights groups are Communists, or Communist controlled. This is true as to Dr. Martin Luther King, Jr., about whom particular accusations were made, as well as other leaders.

It is natural and inevitable that Communists have made efforts to infiltrate the civil rights groups and to exploit the current racial situation. In view of the real injustices that exist and the resentment against them, these efforts have been remarkably unsuccessful.

I hope that this provides the information you were seeking.

Sincerely,

BURKE MARSHALL
Assistant Attorney General
Civil Rights Division

Senatorial

22 August 1968

Honorable Paul H. Douglas
United States Senate
Washington 25, D. C.

Dear Senator Douglas:

It was kind of you to think to send
me a copy of your letter to Philip Randolph.
I think it very helpful, and coming from you,
it will receive full attention.

Sincerely,

Burke Marshall
Assistant Attorney General
Civil Rights Division

DEPARTMENT OF JUSTICE
ROUTING SLIP

TO		BUILDING AND ROOM
NAME		
1. John Douglas		
2. Burke Marshall		Room 1143
3.		
4.		
5.		

<input type="checkbox"/> SIGNATURE	<input type="checkbox"/> COMMENT	<input type="checkbox"/> PER CONVERSATION
<input type="checkbox"/> APPROVAL	<input type="checkbox"/> NECESSARY ACTION	<input type="checkbox"/> AS REQUESTED
<input type="checkbox"/> SEE ME	<input type="checkbox"/> NOTE AND RETURN	<input type="checkbox"/> NOTE AND FILE
<input type="checkbox"/> RECOMMENDATION	<input type="checkbox"/> CALL ME	<input type="checkbox"/> YOUR INFORMATION

☐ ANSWER OR ACKNOWLEDGE ON OR BEFORE _____

☐ PREPARE REPLY FOR THE SIGNATURE OF _____

REMARKS

19 August

John:

Did you see this?

BM

Mr. Marshall:
J.S. Jants.
Jm

Dear Senator Douglas,
It was kind of
you to think to send
us a copy of your
letter to Philip
Rando. I think
it will receive
full attention
and
sincerely,
Jm

FROM NAME	BUILDING, ROOM, EXT.	DATE

DOUGLAS

United States Senate

WASHINGTON, D.C.

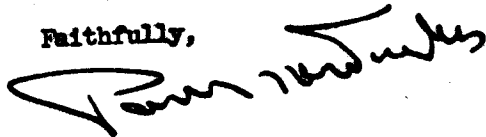
August 12, 1963

Dear Mr. Marshall:

I enclose a copy of a letter of details for the August 28th march, which I regard as essential, and which I sent to Mr. Randolph last Friday with eight copies to others who are assisting him.

Warmest best wishes.

Faithfully,



Paul H. Douglas

Honorable Burke Marshall
Assistant Attorney General
Department of Justice
Washington 25, D. C.

*John Prof.
Did I see this?
for*

August 9, 1948

Mr. A. Philip Randolph, Director
March on Washington for Jobs and Freedom
170 West 130 Street
New York 27, New York

My dear Philip Randolph:

I think you did a good job in organizing the purposes and conclusions of the March on August 24th and that the conference was most constructive in its content and results.

I hope you will forgive me if I stress certain practical necessities which must be provided for if the basic human needs of the 100,000 to 250,000 marchers are to be met. As a result of the last March Division the general work of the non-march activities of the Division of 25,000 men, I think I know something about the problems of providing for the basic and primary needs of large numbers of men. All these will be present in some form if you get from 100,000 to 250,000 men and women assembling and marching. The following are the most urgent:

1. The vital need for an adequate number of toilet facilities, in this case at least 150 toilets plus urinals. Unless an adequate supply of toilets and urinals, properly distributed, are provided, even the most things will inevitably become unmanageable on the March and marchers. The basic human necessities require these toilets and urinals. I have consulted with experts on this question and they estimate that at least 150 toilets be provided. The major bulk of these should be located as (1) the Ellipse, (2) the Washington Monument grounds, and (3) in front or to the side of the Lincoln Memorial. The (3) should be others scattered as Pennsylvania, Constitution and Independence Avenues and near the Union Station. The (2) should, I am told, run for (a) a day or more. Urinals are also important and should be located at the three major locations: the Ellipse, Washington Monument and Lincoln Memorial. I suggest approximately 250 urinals for a full number of marchers.

2. The need for at least 100 buses to transport people from and to the Union Station. The last figure I can obtain is that a bus can hold 50 people, and make the round trip from the Station to the Ellipse or Lincoln Memorial and back in 30 minutes. This means that one bus can transport 100 people on their way from the Station to the Ellipse, and later from the Lincoln Memorial to the Station.

Mr. A. Philip Randolph

- 2 -

August 9, 1943

Assuming (1) that you do not want to take more than 3 hours to move people to the meeting and an equal length of time to move them back, this means that you should have 1 bus for every 300 people arriving by train.

If you expect 30,000 by rail this means you need 100 buses; if 15,000 come, you will need 50. But it is better to be safe than sorry and probably you will have to order long in advance. I will be glad to order at least 100 buses and to get your order in very soon.

3. I am delighted that you will have Red Cross tents with doctors, nurses, cots, etc.

4. Food, water and loud speakers. I take it you have listed these problems.

5. We should have a cleanup squad with ample trash, containers, etc. to clean up immediately afterwards. If we do this, it will leave a good taste in the mouths of everyone. If not, the reverse impression will be created.

I do not mention the problem of maintaining order for I think you are coping with this successfully. But great energy is needed to see that the plans go through.

I think we will need a staff of several men to carry through these responsibilities and to do so quickly. I have mentioned these things because of my great concern for the success of our effort and I enclose my check for \$100 to help meet the costs of points mentioned.

With best wishes,

Faithfully,

Paul E. Douglas

Philip

Enclosure

cc Mr. Roy Wilkins, Mr. Cleveland Robinson, Mr. Robert Rabin, Mr. R. J. Foster, Mr. Roy Butler, Mr. James Farmer, Rev. Martin Luther King, Mr. Walter E. Fauntroy.

T. 7/22/63
EM:stj

Honorable A. S. Mike Monroney
United States Senate
Washington, D.C.

Dear Senator: (

This is in response to your inquiry of the Federal Bureau of Investigation concerning the charges made at the hearings on 1. 1732 that the racial problems in this country, particularly in the South, were created or are being exploited by the Communist Party.

Based on all available information from the FBI and other sources, we have no evidence that any of the top leaders of the major civil rights groups are Communists, or Communist controlled. This is true as to Dr. Martin Luther King, Jr., about whom particular accusations were made, as well as other leaders.

It is natural and inevitable that Communists have made efforts to infiltrate the civil rights groups and to exploit the current racial situation. In view of the real injustices that exist and the resentment against them, these efforts have been remarkably unsuccessful.

I hope that this provides the information you were seeking.

Sincerely,

Attorney General

T. 7/22/63
EM:stj

Honorable A. S. Mike Monroney
United States Senate
Washington, D.C.

Dear Senator:

This is in response to your inquiry of the Federal Bureau of Investigation concerning the charges made at the hearings on S. 1732 that the racial problems in this country, particularly in the South, were created or are being exploited by the Communist Party.

Based on all available information from the FBI and other sources, we have no evidence that any of the top leaders of the major civil rights groups are Communists, or Communist controlled. This is true as to Dr. Martin Luther King, Jr., about whom particular accusations were made, as well as other leaders.

It is natural and inevitable that Communists have made efforts to infiltrate the civil rights groups and to exploit the current racial situation. In view of the real injustices that exist and the resentment against them, these efforts have been remarkably unsuccessful.

I hope that this provides the information you were seeking.

Sincerely,

Attorney General

OCT 22 1963

Honorable John Sparkman
United States Senate
Washington, D. C.

Dear Senators:

In response to your call concerning reports that vehicles rented by the Department of Justice were used to transport Reverend Martin Luther King, Jr., around Alabama, we have this afternoon issued the following statement. I think that it will completely answer your inquiry. Of course, any effort at all by Sheriff Clark or Governor Wallace to ascertain the true facts would have made these false reports unnecessary in the first place.

The reports that automobiles rented by the Department of Justice were used to furnish transportation for Reverend Martin Luther King in Alabama are either a gross mistake or a deliberate attempt to mislead the people of Alabama.

We are setting forth all the facts so that there can be no misunderstanding although we issued a complete denial on Wednesday.

Attorneys for the Department of Justice on duty in Alabama and elsewhere in the United States frequently rent automobiles. In recent weeks, Department attorneys have rented two automobiles in Alabama -- one a 1963 blue Chevrolet Impala and the other a 1964 white Ford Galaxie.

It has been reported that the 1963 Chevrolet was used to take Reverend King from Birmingham to Selma on October 15. This car had been rented by Kenneth McIntyre, a Department attorney, but was being used by Thelton Henderson, another Justice Department attorney.

At about 3:15 p.m. on October 15, Mr. Henderson went to the Gaston Motel to interview Reverend King at the specific direction of the Department of Justice. At that time Dr. King was at a meeting at the Gaston Motel. When Dr. King came out of the meeting, Mr. Henderson asked to speak to him. Dr. King replied that he was late and had to go immediately to the New Pilgrim Church in Birmingham. Henderson offered to drive him there if he could interview him on the way and Dr. King agreed. Henderson left the Gaston Motel at 3:30 p.m. and let Dr. King off at the New Pilgrim Church at 3:40 p.m. Henderson then returned to the Gaston Motel. The Chevrolet never left Birmingham that night.

We have learned that Reverend King was driven to Selma in a Chevrolet similar to the one rented by the Department of Justice. However, it was a privately-owned vehicle and was not the one used by Mr. Henderson.

It has been reported that later on October 15, Reverend King was driven from Selma to Montgomery in the 1964 Ford which also was rented by Mr. McIntyre. Mr. McIntyre rented the Ford in Montgomery at 8:41 p.m. on October 15 and drove to Craig Air Force Base near Selma, checking into the Base at 9:35 p.m. Thereafter, neither

- 3 -

Mr. McIntyre nor the Ford left Craig Air Force Base that night. Mr. McIntyre does not know Reverend King and has never met him. The Ford remained overnight in Selma and the following morning John Doar, First Assistant Attorney General in charge of the Civil Rights Division, drove the Ford to Tuskegee and then back to Montgomery. We have been informed that Reverend King drove from Selma to Montgomery in a privately-owned Cadillac.

It is obvious from these facts that neither the Chevrolet nor the Ford, nor any other car rented by the Department of Justice, was used to transport Reverend King. The reports to the contrary are false. Any efforts to ascertain the truth would have revealed these facts.

Very truly yours,

ROBERT F. KENNEDY

Attorney General

November 1, 1963

Honorable Richard B. Russell
United States Senate
Washington 25, D. C.

Dear Senator:

This is in reply to your letter of October 16. As I told you over the telephone, I deeply regret the delay caused by clerical mishandling of the underlying correspondence.

When I wrote to Senator Monroney on July 23, I stated that we had no evidence that any of the top leaders of the major civil rights groups were Communists or Communist controlled, and that this statement was true as to Dr. Martin Luther King, Jr., as well as other leaders. I also said that this was based on all available information from the FBI and other sources.

In response to your inquiry, the available information from the FBI and other sources included information concerning the activities of the man identified in the newspaper clipping which you enclosed as Jack H. O'Dell.

It is natural and inevitable that Communists have made efforts to infiltrate the civil rights groups and to exploit the current racial situation. We must expect that such efforts will continue and are taking all possible steps to guard against them. In view of the situation, however, these efforts to date have been remarkably unsuccessful. The Bureau, for some time, has intensified its work in developing information concerning any attempts by individual Communists or Communist groups to infiltrate the civil rights movement or particular organizations, or to gain control of Negro leaders.

I hope that this provides the information you are seeking.

Sincerely,
ROBERT F. KENNEDY

Attorney General

The File

12/20/63

Burke Marshall
Assistant Attorney General

Letter of July 23, 1963 to Senator Monroney

At the time of the Attorney General's letter of July 23 to Senator Monroney, I called on the Senator at his office at the request of the Attorney General. I told him that I wanted to inform him as to the most serious efforts that we knew of by Communists to infiltrate the Southern Christian Leadership Conference.

I told the Senator that Stanley Levison, a white New York lawyer, was quite probably a member of the Communist Party and had for some time a position of some influence over Martin Luther King, Jr., through financial contributions, advice, and assistance writing speeches and other material. I also told the Senator that Levison had been instrumental in having Hunter Pitts O'Dell employed by the Southern Christian Leadership Conference and that O'Dell was probably also a secret Communist.

I also told the Senator that I had warned Dr. King about these two men at the direction of the President; that O'Dell had subsequently been fired by King; and that King had discontinued all open connection with Levison.

0 0 cong.
MAR 11 1963

Honorable Thomas G. Abernethy
Member of Congress
House of Representatives
Washington 25, D. C.

Dear Congressman Abernethy:

This is in response to your letters to the President and to me enclosing copies of resolutions adopted by the Campus Senate at the University of Mississippi requesting the removal of military forces from the Oxford area.

We are perfectly ready and willing to remove all military forces from that area. I have so informed the state officials. I am enclosing for your information a copy of a letter I sent recently to Governor Barnett on this subject.

Very truly yours,

ROBERT F. KENNEDY

Attorney General